

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R. C. J., E. D. J., D. T. J., A. C. J.,
and S. M. J., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIE JAMES SULLIVAN,

Respondent-Appellant,

and

JACQUELINE ILESE JONES, DONALD
THOMPSON, and LAMONT WILLIAMS,

Respondents.

In the Matter of R. C. J., E. D. J., D. T. J., A. C. J.,
and S. M. J., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JACQUELINE JONES,

Respondent-Appellant,

and

WILLIE SULLIVAN, DONALD THOMPSON,
LAMONT WILLIAMS, and JOHN DOE,

Respondents.

UNPUBLISHED

April 26, 2002

No. 233050

Oakland Circuit Court

Family Division

LC No. 99-626145-NA

No. 233616

Oakland Circuit Court

Family Division

LC No. 99-626145-NA

Before: Zahra, P.J., and Neff and Saad, JJ.

PER CURIAM.

In Docket 233050, respondent Willie Sullivan appeals as of right the termination of his parental rights to his children pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j). In Docket 233616, respondent Jacqueline Jones appeals as of right the termination of her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The only issue properly before us on appeal is whether termination of parental rights was in the best interests of the children because both appellants entered knowing, understanding, voluntary pleas of admission to the petitions for termination at the close of the prosecutor's case during the trial phase of the proceedings. The trial court properly accepted the pleas of admission and determined that grounds for termination existed, a determination that is fully supported by the record. The court then proceeded to a hearing to determine whether termination was in the best interests of the children. MCL 712A.19b(5).

On appeal from termination of parental rights proceedings, this Court reviews the family court's decision under the clearly erroneous standard. MCR 5.974(I), *In re Sour Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). To be clearly erroneous, a decision must be more than maybe or probably wrong. *Sours, supra*.

Once a statutory ground for termination of parental rights is established, the court must terminate parental rights unless it finds that termination of the child's parental rights is clearly not in the child's best interest. MCL 712A.19b(5), MCR 5.974(E)(2), *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). Determination of the child's best interest may be based on evidence introduced by any party or based on the whole record presented in establishing a ground for termination. *Id.* at 353.

Once a statutory ground for termination is established, the parent's liberty interest in the companionship, care and custody of the child yields to the state's interest in protection of the child. *Id.* at 355-356. The requirement that a court terminate parental rights upon a showing of a statutory ground, in the absence of a contrary best interest of the child, does not violate the parent's right to due process. *Id.*

We have carefully reviewed the lower court record and hold that the trial court did not clearly err in finding that termination was in the best interests of these children. The court gave careful attention to the totality of the record noting that there is clear and convincing evidence that termination is necessary to protect the children because the respondents are unable to provide a fit environment for the children, and that the prognosis for the future is not good that they will be able to do so any time soon. We agree with this analysis and find no error in the termination of parental rights on this record.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Henry William Saad